

Exhibit 3

Baodong Liu , Ph.D.

August 4, 2022

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UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

THE SOUTH CAROLINA STATE CONFERENCE OF
THE NAACP, et al.,

Plaintiffs,

vs. CASE NO. 3:21-cv-03302-MBS
TJH-RMG
THOMAS C. ALEXANDER, et al.,
Defendants.

CONGRESSIONAL PLAN LITIGATION

VTC

DEPOSITION OF: BAODONG LIU, PH.D.
(Appearing by VTC)

DATE: August 4, 2022

TIME: 12:21 p.m.

LOCATION: 4231 South 2700 East
Salt Lake City, UT

TAKEN BY: Counsel for the Defendants

REPORTED BY: Susan M. Valsecchi, CRR
Registered Professional Reporter
(Appearing by VTC)

Baodong Liu , Ph.D.
The South Carolina State Confvs.McMaster/Alexander

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<p style="text-align: right;">Page 18</p> <p>1 the data on which you relied?</p> <p>2 A. Yeah, there's a data team, I believe.</p> <p>3 They are the experts from ACLU data team. And they</p> <p>4 provided documentation that I requested about this</p> <p>5 particular case concerning demographics and also</p> <p>6 election outcomes and turnout and so on, yes. It's</p> <p>7 in my appendix.</p> <p>8 Q. Do you know the names of the</p> <p>9 individuals on the data team?</p> <p>10 A. There is one person that I remember</p> <p>11 named Benjamin. I don't recall the last name, but,</p> <p>12 yes, Ben, is one of the team members because he was</p> <p>13 in some of the meetings and some of the e-mail</p> <p>14 communications, so, yes, that's how I know.</p> <p>15 Q. Is that possibly Ben Fifield, or</p> <p>16 Fifield?</p> <p>17 A. Again, I have to go back to my e-mail</p> <p>18 to give you the exact name, but I just remember</p> <p>19 first names.</p> <p>20 Q. Has counsel provided you any</p> <p>21 assumptions for this case?</p> <p>22 A. No. They provided me with the</p> <p>23 Complaint, different versions of the Complaint by</p> <p>24 the Plaintiffs, and I read those. And obviously we</p> <p>25 communicated about this case but they never gave me</p>	<p style="text-align: right;">Page 20</p> <p>1 so they helped me tremendously on that part.</p> <p>2 So eventually I believe I had an</p> <p>3 exhaustive list of these candidates in biracial</p> <p>4 elections that I needed to conduct my racially</p> <p>5 polarized voting effectiveness analysis.</p> <p>6 So, yes, they helped me in that regard.</p> <p>7 Q. So I want to understand this a little</p> <p>8 bit better about this list. What is shown on this</p> <p>9 list?</p> <p>10 A. I believe there are names of the</p> <p>11 candidates and what districts they won, elections,</p> <p>12 and what year, and also the links to these</p> <p>13 candidates' profiles, especially Ballotpedia, yes,</p> <p>14 and they also have a master list of all the</p> <p>15 candidates.</p> <p>16 They tried to investigate and</p> <p>17 eventually come up with a short list of all these</p> <p>18 congressional races, so, um, the spreadsheet</p> <p>19 contains all of the necessary information about who</p> <p>20 the candidates are and their background</p> <p>21 information.</p> <p>22 Q. Does this list also show election</p> <p>23 results?</p> <p>24 A. Um, oh, you're testing my memory. I</p> <p>25 think maybe so, but I -- I would have to go back to</p>
<p style="text-align: right;">Page 19</p> <p>1 so called assumptions.</p> <p>2 I've done this for more than two</p> <p>3 decades, so I know what each case can be and I</p> <p>4 analyzed what they told me about the Complaint.</p> <p>5 And everything that I recorded in my own original</p> <p>6 report is truly my own. So, yeah, nobody gave me</p> <p>7 any assumptions.</p> <p>8 Q. Other than the data you mentioned and</p> <p>9 the Complaint, did counsel provide you any other</p> <p>10 materials related to this case?</p> <p>11 A. Yes, I obviously have done some</p> <p>12 research about South Carolina, myself, in the past,</p> <p>13 so I know high-profile elections, including</p> <p>14 obviously the presidential election, the state of</p> <p>15 South Carolina played a role in both primary and</p> <p>16 general and some high-profile Senate, U.S. Senate</p> <p>17 elections, but I'm not -- I was not very familiar</p> <p>18 with some of the other elections in districts that</p> <p>19 are not nationally well known, so I asked the</p> <p>20 counsel to help me compile a list of all elections</p> <p>21 that took place for congressional seats in South</p> <p>22 Carolina in national circles, in circles of</p> <p>23 elections. And so they helped me and we went back</p> <p>24 and forth and double checked all the names, the</p> <p>25 candidates' racial and other political backgrounds;</p>	<p style="text-align: right;">Page 21</p> <p>1 the list and take a deeper look, a detailed look.</p> <p>2 But it wouldn't matter if it's there or</p> <p>3 not because eventually, if it's a biracial</p> <p>4 election, I analyzed it anyway.</p> <p>5 So I would have all of the data in</p> <p>6 front of me and run my analysis and see what's the</p> <p>7 result. So I would not rely on whatever they told</p> <p>8 me in that list. It may be there, it may be not.</p> <p>9 But I would have to see the list in front of me to</p> <p>10 give you a firm answer on that.</p> <p>11 Q. And, Dr. Liu, when you received your</p> <p>12 Notice of Deposition asking you to provide copies</p> <p>13 of materials you relied on and communications with</p> <p>14 counsel, what did you do to collect that list?</p> <p>15 A. Obviously all the e-mails I had with</p> <p>16 them, they have records. I have my data which also</p> <p>17 was provided to me by their data team, and so they</p> <p>18 know how I got them. And that's there.</p> <p>19 I have my R codes. And by R, what I</p> <p>20 mean is a statistical program, simply R, letter R.</p> <p>21 So I used that statistical software to run a lot of</p> <p>22 the analysis. And they're all in my computer.</p> <p>23 Sometimes, uh, the counsel would need,</p> <p>24 you know, the final code that I put together for</p> <p>25 running the RPV results and --</p>

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<p style="text-align: right;">Page 154</p> <p>1 your rebuttal report, which I marked as Exhibit 3 2 and I believe sent to you as Tab 3. 3 Do you have that in front of you? 4 A. Yeah, I have it in front of me. 5 MR. GORE: And if I have done this 6 right, it should be up on the screen. 7 Can you see that, John, in Exhibit 8 Share? 9 MR. CUSICK: I've just been following 10 on a local copy, but I have the document 11 here, yes. 12 MR. GORE: Okay, that's fine. I want 13 to make sure we're all on the same page. 14 BY MR. GORE: 15 Q. Dr. Liu, why did you prepare a rebuttal 16 report in this case? 17 A. Yes, just like almost all other cases, 18 our responsibility as an expert witness not only 19 includes our own report, but also how we reacted to 20 the counterpart, the other expert for the other 21 side. 22 So in this case, after I submitted my 23 report, I was informed by the counsel for the 24 Plaintiffs that they eventually got a report from 25 the other expert and so they sent it to me and</p>	<p style="text-align: right;">Page 156</p> <p>1 name at all. Even two days ago I received his 2 rebuttal, but it addressed the reports conducted by 3 the other two experts for the Plaintiffs. 4 Q. Okay. Let me ask you about Page 2 of 5 your rebuttal report. 6 A. Okay, I'm here. 7 Q. There's a numbered list and then 8 there's a paragraph that says, "Despite my concerns 9 about his methodology and the data he relied upon 10 described below, Mr. Trende and I agree that the 11 enacted plan makes District 1 meaningfully more 12 Republican." 13 A. Uh-huh, yes, yes, I see that. 14 Q. Do you still agree with Mr. Trende on 15 that point? 16 A. Yes, certainly Republican candidates 17 would gain more influence to make it -- to run in a 18 more favorable environment, as opposed to 19 Democratic candidates. That will be the case, in 20 my view, if the enacted plan won, indeed will be 21 the future. 22 Q. And you also agree with Mr. Trende that 23 the enacted plan reduces the number of split 24 counties compared to the benchmark plan, right? 25 A. Yes, but not -- not very significant in</p>
<p style="text-align: right;">Page 155</p> <p>1 asked whether I have any opinions. I said, after I 2 read it, I do have an opinion. And then I would go 3 to record the explanation. 4 Q. Did you rely on Mr. Trende's report in 5 preparing your rebuttal report? 6 A. I used his original report to prepare 7 for this rebuttal, yes. 8 Q. And did you use any of his data? 9 A. No, I didn't. 10 Q. And how did you receive Mr. Trende's 11 report? 12 A. I was sent the report by the counsel. 13 Q. Is that by Mr. Cusick? 14 A. Yes. 15 Q. Did counsel send you any other data or 16 materials for your rebuttal report other than 17 everything else we've talked about earlier? 18 A. I believe there was some articles. I 19 don't remember vividly anymore whether at the same 20 time he sent me the report, or it was afterwards, 21 but I believe there are some data and articles sent 22 by Mr. Trende. 23 Q. Do you recall whether Mr. Trende's 24 opening report mentioned you or your report at all? 25 A. No, I don't remember if he mentioned my</p>	<p style="text-align: right;">Page 157</p> <p>1 my view. 2 Q. Do you dispute Mr. Trende's calculation 3 of core retention percentages? 4 A. No, I don't. 5 Q. Do you dispute Mr. Trende's conclusion 6 that the enacted plan reduces the number of split 7 precincts? 8 A. No, I don't. It's from 12 to 10. 9 Q. And do you dispute Mr. Trende's 10 conclusion that the enacted plan results in minimal 11 changes to the BVAPs in the districts? 12 A. Well, I have no opinion on that 13 statement because, who knows, maybe a different 14 plan may have even less change when you can even 15 just keep the original benchmark district. 16 So his assertion of following the 17 principle to restore the same old boundaries, I 18 don't get that logic at all. 19 And I've studied the South. South 20 Carolina has been a state that constantly is in the 21 front of the civil rights and voting rights 22 battles. 23 So when he made the argument or tried 24 to suggest that simply because this new plan keeps 25 the same old plan, as if it's great, I completely</p>

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